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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,784	01/11/2001	Philippe Charbonnier	43869.016000	1728
7590	06/03/2004		EXAMINER	
Eugene C. Rzucidlo Greenberg Traurig LLP 21st Floor 885 Third Avenue New York, NY 10022			CRAVER, CHARLES R.	
			ART UNIT	PAPER NUMBER
			2682	<i>[Handwritten mark]</i>
DATE MAILED: 06/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/758,784	CHARBONNIER, PHILIPPE	
	Examiner	Art Unit	
	Charles R Craver	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 March 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 January 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 19-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 19 and 22, the phrase "and/or" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Specification

Claim 14 is objected to because of the following informalities: "short-typing" should be "sight-typing". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-8, 10-13, 19 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Bell.

Claim 1: Bell discloses a network (10) of communication modules (D1..Dn, D0) making it possible to access exterior transmission networks (14) wherein is constituted of a hierarchical network of sets of modules of different elaborateness (e.g. D1&D0, D2&D0 etc) subject to a double-upward and -downward hierarchy (col 2 line 64-col 3 line 46, col 4 lines 50-60).

Claim 2: Bell discloses that a communication module (D0) may comprise means to associate with at least one other module of the network (D1..Dn, FIG 1A) using a short-range interface shared with the interface of the other module (col 2 line 64-col 3 line 22).

Claim 4: Bell discloses applicant's invention of claim 2 as set forth above, and further discloses processing/vocoding means (reads ergonomic stratum) and input means (reads actuation stratum, see col 4 lines 25-49) and, inherently, a power supply (reads power stratum), and voice recognition (col 4 lines 61-67). **Claim 5:** Bell discloses that the processing etc may use TDMA or CDMA (reads multiplexed) technology (col 4 lines 39-43). **Claim 6:** the processing/input means would be associated with those of another device if it was in communication with said device.

Claim 7: Bell discloses a communication module (D1..Dn, D0) making it possible to access exterior transmission networks (14) wherein is constituted of a hierarchical network of sets of modules of different elaborateness (e.g. D1&D0, D2&D0 etc) subject

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to a double-upward and -downward hierarchy (col 2 line 64-col 3 line 46, col 4 lines 50-60), which may comprise means to associate with at least one other module of the network (D1..Dn, FIG 1A) using a short-range interface shared with the interface of the other module (col 2 line 64-col 3 line 22), and further including processing/vocoding means (reads ergonomic stratum) and input means (reads actuation stratum, see col 4 lines 25-49) and, inherently, a power supply (reads power stratum). **Claim 8:** Bell discloses voice processing means (col 4 lines 25-43).

Claims 10 and 11: Bell discloses either a master or slave device (col 3 lines 4-23). **Claim 12:** Bell discloses that the device is portable, and includes a keyboard (col 4 lines 25-28). **Claim 13:** Bell discloses either a master or slave device (col 3 lines 4-23). **Claim 19:** Bell discloses that a slave device may cooperate with the master device telephone application to determine if access is possible to a group call (reads substitution, col 4 lines 4-60). **Claim 21:** Bell discloses that the access may be under TDMA or CDMA (col 4 lines 25-49).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Liu.

Bell discloses applicant's invention of claim 2 above. Bell discloses a BLUETOOTH system, which inherently automatically optimizes association since the ad-hoc piconet is in a constant state of change. Bell fails to disclose the use of a manual means for optimization, however, Liu discloses that it is useful to allow a user to control a device's connection to two different networks, one direct and one a traditional cellular one (col 2 lines 5-46). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Bell, as user control would allow the user to control security by connecting directly to the cellular network if available.

Claims 9 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Raith.

Claim 9: Bell discloses applicant's invention of claim 9 as shown above, but fails to disclose messaging. Raith discloses the utility of messaging (col 5 lines 50-64) in a combined-complexity system (FIG 3) wherein a handheld unit may communicate via a cellular system or an ad-hoc network (col 4 lines 20-67) such as BLUETOOTH (col 6 lines 48-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add such a feature to Bell as such would improve user interaction with the network.

Claims 16 and 17: Raith discloses that the application means may cooperate with another means to determine if a substitution (i.e. switch) is necessary (col 4 lines 20-62). **Claim 18:** Bell discloses TDMA and CDMA (col 4 lines 39-43).

Claims 14, 15, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bell in view of Calloway.

Claim 14: Bell discloses a communication module (D1..Dn, D0) making it possible to access exterior transmission networks (14) wherein is constituted of a hierarchical network of sets of modules of different elaborateness (e.g. D1&D0, D2&D0 etc) subject to a double-upward and -downward hierarchy (col 2 line 64-col 3 line 46, col 4 lines 50-60), which may comprise means to associate with at least one other module of the network (D1..Dn, FIG 1A) using a short-range interface shared with the interface of the other module (col 2 line 64-col 3 line 22), and further including processing/vocoding means (reads ergonomic stratum) and input means (reads actuation stratum, see col 4 lines 25-49) and, inherently, a power supply (reads power stratum, and that the device is portable, and includes a keyboard (col 4 lines 25-28).

Bell fails to disclose control of home or automation means. Calloway discloses that BLUETOOTH, which can be applied to call group devices such as those taught by Bell (col 1 lines 43-60), can also be applied to the use of remote control of home/automation devices (col 1 lines 13-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, given Calloway's disclosure of the use of a BLUETOOTH device as a remote control, to add such a feature to

Calloway, as it would allow replacement of other devices, consolidating them into one user device. **Claim 15:** Bell discloses either a master or slave device (col 3 lines 4-23). **Claim 22:** Bell discloses that a slave device may cooperate with the master device telephone application to determine if access is possible to a group call (reads substitution, col 4 lines 4-60). **Claim 24:** Bell discloses that the access may be under TDMA or CDMA (col 4 lines 25-49).

Allowable Subject Matter

Claims 20 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as well as to overcome rejections under 35 USC 112, second paragraph, as noted above.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 20 and 23 teach towards a network of communication modules allowing access of exterior networks, made up of pairs of devices with differing elaborateness having double upward and downward hierarchy, including ergonomic means, application means, power means and communication means by short-range with a more elaborate module and wherein a portable module has sight-typing means and long distance communication means for communication with the exterior network, and wherein further wherein a portable module may cooperate with a telephony application of another module of different elaborateness to determine if a substitution of access is

possible or desirable, and after having acquired the parameters of communication of said another module, to transmit in superposition with the said other module before substituting itself.

Response to Arguments

Applicant's arguments filed 3-8-04 have been fully considered but they are not persuasive.

Regarding Bell, the examiner upholds the rejection over Bell above. Bell discloses sets of handsets of different elaborateness, a master of which is able to communicate with slave devices and also communicate with a communication network, see col 4 lines 4-49. As such, the examiner reads such as a double upward and downward hierarchy. Whether or not device D0 of Bell is a slave of other devices is moot, as the ability of all devices to communicate in both directions provides the hierarchy disclosed in e.g. applicant's claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 for both formal and informal/draft communications, labeled as such.

Hand delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, sixth floor (receptionist).

Any inquiry concerning this or earlier communications from the examiner should be directed to examiner Charles Craver at (703) 305-3965.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vivian Chin, can be reached at (703) 308-6739.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at (703) 305-4700.

CC

C.Craver

MU 6-1-a1
CHARLES CRAVER
PATENT EXAMINER

June 1, 2004